

REMARKS/ARGUMENTS

The office action of May 12, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-13, 15, 22-23, and 25-26 remain in this application. Claims 14, 16-21 and 24 are canceled.

Applicant confirms the election of Group II where Y is C(O) or C(S) and A is pyrrolidine. The claims have been amended to delete non-elected subject matter.

Title/Abstract

A new title and an abstract have been presented.

Rejection of the Claims

Claims 1-13, 15-16, 22-23, and 25-26 stand rejected as the specification is not enabling for the terms solvate or hydrate of formula I. Dictionary definitions of the term are consistent, the common meaning being a compound formed by solvation (i.e. the combination of solvent molecules with molecules or ions of the solute), which has a stoichiometric ratio of solute molecules to solvent molecules. When the solvent is water, the solvate is commonly referred to as a "hydrate".

Every medicinal chemist knows that in the case of a given solvate and a given compound, the process for making a solvate, if it exists for that combination, is routine and straightforward. One simply dissolves as much as possible of the given compound in a quantity of hot solvent, and either then cools or adds a counter-solvent to cause precipitation of solids. Those solids are dried and either constitutes a solvate (i.e. a compound incorporating a consistent stoichiometric ratio of solvent to compound) or not. That is, the method just summarized will yield a solvate if one or more exists. Furthermore, depending on the temperature and/or method of crystallisation, more than one solvate may be obtained, i.e. solvates with different ratios of compound to solvent molecules.

The solvate can be identified by, for example X-ray powder diffraction, differential scanning calorimetry and NMR methods. All of these steps are very routine practices to one skilled in the art. Hence, one skilled in the art reading this application knows how to prepare a solvate, if one exists, in any given case. It is not undue experimentation because the processes and test methods are common knowledge and routine.

Since one skilled in the art knows how to determine whether a solvate exists, there is no basis for a non-enablement rejection. That is, the steps to determine whether a solvate exists and obtain a solvate was so well known and routine at the time the application was filed, applicant did not believe it was necessary to include such well known and routine steps. Withdrawal of this rejection is requested.

Claims 1-11, 15-16, 22-23, and 25-26 stand rejected as indefinite. The Office Action considers that the specification and claims give no guidance as to the specific identity of substituents to be placed on chemical groups for variable R_2 - R_5 . Attention is drawn to pages 9-11 wherein each of the substituents R_2 - R_5 are discussed. The Examples further provide description of possible substituents. Moreover, the possible substituents are identified in the claims themselves. The claims are not indefinite as one skilled in the art can clearly identify each of the possible substituents. Withdrawal of this rejection is requested.

CONCLUSION

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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